

SENATE BILL 1678
By Cohen

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 29, relative to restoration of citizenship.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 29, is amended by deleting Part 1 in its entirety.

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 29, is amended by adding the following as a new part thereto:

Section 40-29-201. For all persons convicted of infamous crimes, the following procedures shall apply:

(1) A person rendered infamous or deprived of the rights of citizenship by the judgment of any state or federal court may have full rights of citizenship restored upon:

(A) Receiving a pardon, except where such pardon contains special conditions pertaining to the right to suffrage;

(B) Service or expiration of the maximum sentence imposed for any such infamous crime; or

(C) Being granted final release from incarceration or supervision by the board of probation and parole, or county correction authority;

(2) A person rendered infamous by virtue of being convicted of one (1) of the following crimes shall never be eligible to register and vote in this state: First degree murder, aggravated rape, treason or voter fraud;

(3) Any person eligible for restoration of citizenship pursuant to subdivision (1) may request, and then shall be issued, a certificate of restoration upon a form prescribed by the coordinator of elections, by:

(A) The pardoning authority; or

(B) An agent or officer of the supervising or incarcerating authority;

(4) Any authority issuing a certificate of restoration shall forward a copy of such certificate to the coordinator of elections;

(5) Any person issued a certificate of restoration shall submit, to the administrator of elections of the county in which the person is eligible to vote, such certificate and upon verification of the same with the coordinator of elections be issued a voter registration card entitling the person to vote; and

(6) A certificate of restoration issued pursuant to subdivision (3) shall be sufficient proof to the administrator of elections that such person fulfills the above requirements; however, before allowing a person convicted of an infamous crime to become a registered voter, it is the duty of the administrator of elections in each county to verify with the coordinator of elections that such person is eligible to register under the provisions of this section.

Section 40-29-202. All costs for a certificate of restoration shall be paid by the person receiving such certificate.

Section 40-29-203.

(a) When any nonviolent offender who was convicted of an infamous crime is granted final release from incarceration or discharged from parole, probation, pretrial or judicial diversion or community correction supervision, the sentencing court, department of correction and board of probation and parole are urged to have the official charged with processing and effectuating such person's release or discharge provide such person with information explaining the restoration of citizenship rights procedure.

(b) For purposes of this section "nonviolent offender" means a person convicted of a felony that is not defined as a "violent offense" by § 40-35-120(b).

SECTION 3. This act shall take effect July 1, 2005, the public welfare requiring it.

